

REMARKS

Claims 1, 46-54, 56-68, 70 and 71 are pending in this application. By this Amendment, claims 51, 53, 56 and 70 are amended.

Applicant appreciates the courtesies extended by Examiner Nghiem to Applicant's representative during the September 8, 2003 personal interview. The points discussed are incorporated into the Remarks below and constitute Applicant's record of the interview.

Claim 70 was rejected under 35 U.S.C. §112, second paragraph. By this Amendment, claim 70 has been amended to provide proper antecedent basis. It is respectfully requested that the rejection be withdrawn.

Claims 51-53 were rejected under 35 U.S.C. §102(e) over Abe et al. (Abe), U. S. Patent No. 5,903,294. The rejection is respectfully traversed.

As discussed during the personal interview, Abe fails to disclose Applicant's ink cartridge for holding ink with a partitioning wall that is formed integrally with a case and extending from a first surface toward a second surface, as recited in claims 51 and 53.

As asserted on page 4 of the Office Action, Abe discloses an ink cartridge (Fig. 1A) with a case that has a first surface (right side of case), a second surface (left side of case) and a partitioning wall (retainer plate 13). However, with this interpretation, Abe discloses the opposite of Applicant's claimed invention because Abe's partitioning wall extends from the second surface toward the first surface.

Applicant notes that the left side of Abe's case is the only side that includes an ink supply hole. The left side of Abe's case is also the only side where the ink chamber and the atmosphere connection chamber have been interpreted as open. As such, the left side of Abe's case can not correspond to Applicant's first surface.

As discussed, Abe also fails to disclose an ink cartridge with a cover that is separate from the case and is joined to the case at the second surface as recited in claim 51 or a first cover and a second cover as similarly recited in claim 53.

As shown in Figs. 1A and 3A of Abe, the left wall of the cartridge, that has been interpreted as a cover, is integrally formed with the ink cartridge. Because the left wall of Abe's ink cartridge is integrally formed with the ink cartridge, Abe thus fails to disclose a cover that is separate from a case and is joined to a case as recited in claims 51 and 53.

Finally, Abe fails to disclose an ink cartridge with a first cover, a case and a partitioning wall that forms a path to communicate air between the ink chamber and the atmosphere connection path as recited in claim 53. Abe fails to disclose such a feature because the left side of the case, the case and the retainer plate 13 in Abe can not be used together to form a path.

In view of the foregoing, it is respectfully requested that the rejection of claims 51 and 53 be withdrawn. In addition, claim 52 recites additional features of the invention and is also believed to be allowable at least for the reasons discussed above with respect to claim 51 and for the additional features recited therein. It is respectfully requested that the rejection be withdrawn.

Claims 56-59 were rejected under 35 U.S.C. §102(e) over Takagi, U. S. Patent No. 5,877,794. The rejection is respectfully traversed.

As discussed, Takagi fails to disclose an ink cartridge wherein one end of the atmosphere connection path communicates with the other end of the first chamber for communicating air between the atmosphere connection path and the first chamber via the second partitioning wall, as recited in claim 56.

As discussed, Takagi discloses an ink tank with an auxiliary ink chamber 50, a communicating hole 34 and an ink chamber on the left side of the partition wall 33. However, Takagi only states that ink passes through the communicating hole 34. In other words, Takagi fails to disclose air as passing through the communicating hole 34 because the auxiliary ink chamber 50 does not act as an atmospheric connection path.

As such, Takagi fails to disclose the features of Applicant's claim 56. In addition, claims 57-59 recite additional features of the invention and are also believed to be allowable at least for the reasons discussed above with respect to claim 56 and for the additional features recited therein. It is respectfully requested that the rejection be withdrawn.

Applicant appreciates the allowance of claims 1, 46-50, 62-68 and 71 and the indication of allowability for claims 54, 60, 61 and 70. However, for the reasons discussed above, Applicant asserts that all of the claims are allowable.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 46-54, 56-68, 70 and 71 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Scott M. Schulte
Registration No. 44,325

JAO:SMS/lbg

Date: September 8, 2003

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

**DEPOSIT ACCOUNT USE
AUTHORIZATION**

Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461